UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:	) CASE No: 17-31129-KLP
Charles Anthony Barbettini, Jr.,	) Chapter 13
Debtors,	)
	)
Bosco Credit V Trust Series 2012-1,	)
Respondent.	)
v.	)
Charles Anthony Barbettini, Jr., Debtor,	)
Suzanne E. Wade, Trustee,	)
Proponents..	)
	)

BOSCO CREDIT V TRUST SERIES 2012-1'S
OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

Secured Creditor Bosco Credit V Series 2012-1, ("Respondent") by and through its undersigned counsel, files its Objection to Debtor's Chapter 13 Plan (Doc No. 15) pursuant to 11 U.S.C. §§ 1307, 506, 1322(b)(2), 1324, and 1325(a)(5), and Federal Rules of Bankruptcy Procedure 3012, and in support states as follows:

1. Respondent is a secured creditor in this case because it is the holder/servicer of a Note and Mortgage encumbering the property known as 7812 Little Ridge Court Chesterfield Virginia 23832 and more specifically known as:

> ALL that certain lot piece or parcel of land with improvements thereon and appurtenances thereto belonging, lying and being in the County of Chesterfield. Virginia. shown as Lot 27, Block H, on the certain plat entitled "Creekwood, Section F-2", dated July 18, 1984, made by J. K. Timmons & Associates, which plat was recorded on July 25, 1984, in the Clerk's Office, Circuit Court Chesterfield County, Virginia in Plat Book 46, pages 80 and 81, and to which reference is hereby made for a more particular description of the property hereby conveyed.

2. Respondent's claim was duly perfected by filing of the Mortgage on January 25, 2005, at Book 6187, Page 298 of the Public Records of Chesterfield County, Virginia.

3. Respondent timely filed a Proof of Claim (Claim #1) on April 10, 2017, evincing a secured claim in the amount of $118,568.46, including secured arrearage in the amount of $67,677.18.

4. Debtors' Plan fails to address Respondent's proof of claim.

5. Further Debtor fails to acknowledge Respondent's claim any schedule in his Petition for Relief (Doc No. 1).

6. Debtor is prohibited from modifying Respondent's claim as Respondent qualifies as a creditor whose claim is "secured" solely by an interest in property that is the debtors' principal residence within the meaning of 11 U.S.C. Section 1322 (b)(2). Therefore, Respondent's claim is explicitly protected from modification by 11 U.S.C. Section 1322 (b)(2) and the Supreme Court of the United States decision in Nobelman v. American Savings Bank, 508 U.S. 324, 113 S. Ct. 2106 (1993).

7. The Plan fails to treat Respondent's claim properly. The Plan neither surrenders the property nor includes payments owed to Respondent. The lack of proper treatment of Respondent in the current Plan proposed by the Debtor will cause additional arrearages to accrue post-petition.

8. The Plan fails to meet the requirements for confirmation.

9. Debtor's proposed Chapter 13 Plan does not provide for full payment of Respondent's secured claim, thus Respondent objects to Debtor's plan as it fails to comply with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed.

WHEREFORE, Respondent respectfully requests this Honorable Court deny confirmation of the Debtor's proposed Chapter 13 Plan, and for such further relief the Court deems just and proper.

By: */s/ Jason Murphy*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Objection to Confirmation of Plan has been sent by electronic means via the Court's CM/ECF notification system this 12th day of May, 2017 to the following:

Elizabeth Cabell Brogan
PO Box 1780
Richmond, VA 23218
Email: e.brogan@ch13ricva.com
Attorney for Suzanne E. Wade, Chapter 13
Trustee

and by standard first class mail postage prepaid to:

Charles Anthony Barbettini, Jr.
7812 Little Ridge Ct
Chesterfield, VA 23832
Debtor (Pro Se)

Dated this 12th day of May, 2017.

By: */s/ Jason Murphy*
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